

AMENDING THE REORGANIZATION ACT OF 1949

JANUARY 29, 1951.—Ordered to be printed

Mr. McCLELLAN, from the Committee on Expenditures in the Executive Departments, submitted the following

REPORT

[To accompany S. 101]

The Committee on Expenditures in the Executive Departments, to whom was referred the bill (S. 101) to amend the Reorganization Act of 1949, having considered the same, report favorably thereon with an amendment, and recommend that the bill as amended do pass.

The committee amendment is to strike out the word "fifteen" on page 2, line 17, and insert the word "twelve".

On December 18, 1950, the President transmitted a special message to the Congress requesting reactivation of certain emergency powers under titles I and II of the First War Powers Act, 1941, relating to reorganizations in the executive branch and to the renegotiation of contracts.

Following the receipt of this message, Senator Lucas, of Illinois, introduced a bill (S. 4264) in the Senate conforming to the President's request. Since it became immediately evident that there would be serious opposition to the granting of the broad reorganization powers provided under title I, the chairman of this committee introduced a bill (S. 4266) providing only for the extension of title II of the First War Powers Act, 1941, relating to the renegotiation of contracts.

The committee held hearings on S. 4264 and S. 4266 and reported the latter bill favorably, with an amendment providing that the authority granted thereunder should expire June 30, 1952. This bill was passed by the Senate and later by the House of Representatives, with an amendment, which was accepted by the Senate, and was approved as Public Law 921 on January 12, 1951. Action on title I, granting the sweeping reorganization powers requested by the President, was withheld by the committee pending further study.

A new bill, S. 101, which would grant the temporary reorganization powers requested by the President but at the same time retain adequate legislative controls designed to meet objections to the granting of unlimited reorganization authority, as provided under title I of the War Powers Act, was introduced in the Senate on January 8, 1951, by the chairman and six other members of the committee.

Hearings on S. 101 were held before the committee on January 23, 1951, at which time Mr. Frederick J. Lawton, Director of the Bureau of the Budget, in answer to specific inquiries, indicated that this bill, although not permitting all the flexibility that would be available under authority of title I of the First War Powers Act, would be broad enough in its coverage to permit the submission of reorganization plans necessary to meet the needs of the defense mobilization program.

S. 101 authorizes the President to submit to Congress such reorganization plans as he considers essential to the defense mobilization program. Under its provisions, the Congress may reject any reorganization plan to which it may be opposed, but action is required within 12 days after such submission under the same procedures as now provided in the Reorganization Act, in lieu of the 60 days provided therein.

The main provisions of S. 101 are:

- (1) Adds a new title III to the Reorganization Act of 1949, to provide for temporary reorganizations necessary to better promote the national defense;
- (2) Requires the President to certify that reorganizations proposed under this title are temporary;
- (3) Grants authority not included in the permanent provisions of the original act to—
 - (a) Extend functions now vested in certain agencies to other agencies, without affecting the existing authority of the original agency; and
 - (b) Permit the full utilization of existing facilities, services, and personnel in connection with programs initiated to meet the emergency, with a view to eliminating duplications;
- (4) Authorizes the President to make appointments of officials under this title without Senate confirmation;
- (5) Removes the requirement of the original act for Presidential specification as to economies effected by reorganizations under this title;
- (6) Excludes authority to abolish or create new departments or to abolish or transfer the civil functions of the Corps of Engineers;
- (7) Requires Congress to act, in disapproving plans submitted under this title, within 12 days instead of 60 as provided under the present act;
- (8) Provides for the reversion (to their original status, subject to any intervening legislation) of all reorganizations effectuated under this title on the termination date, that is (a) June 30, 1952 (unless extended by Congress), (b) the termination of the national emergency proclaimed on December 16, 1950, or (c) a termination date designated by concurrent resolution of the Congress or by the President, whichever date is the earliest.

S. 101, as introduced, provided that the Congress must act in adopting a resolution of disapproval of any plan submitted under this title within 15 days after the date of its submission by the President in lieu of the 60 days permitted in connection with permanent reorganizations. In an effort to further insure every possible expedition of these plans, and at the suggestion of the Director of the Bureau of the Budget, the committee adopted an amendment reducing the period in which Congress must act from 15 to 12 days. It is the opinion of the committee that any lesser time in which Congress is required to act would cause conflict with provisions of title II of the Reorganization Act of 1949, section 204 (a) of which provides that any resolution of disapproval not reported before the expiration of 10 calendar days after its introduction may be brought up by a Member of either House under a motion to discharge the committee from further consideration of such resolution. Under the committee amendment a period of only 2 days is permitted within which a resolution of disapproval may be filed to insure consideration. To further reduce the period might impair the operation of this title. Of course, should a plan be submitted requiring immediate action, the Congress could adopt a joint resolution fixing an earlier effective date, as has frequently been done in the past.

Representatives of the Citizens Committee for the Hoover Report appeared at the hearings and, while approving the main purpose of S. 101 and the approach which it embodies, suggested several amendments. Your committee appreciates the interest and helpfulness of this organization and gave careful consideration to its recommendations, but was of the opinion that the amendments proposed were either unnecessary or inadvisable. Reference should be made, however, to two of these recommendations, both having to do with the subject of economies.

One proposal of the Citizens Committee would include among the purposes for which the President may submit reorganization plans a provision for the reduction of nondefense expenditures. It was the view of the committee that the bill as drafted is specifically limited to matters related to the national security or defense and that this essential purpose should be maintained. If any reorganizations which will result in the reduction of nondefense expenditures are to be submitted they should be submitted in the form of permanent reorganizations under title I of the Reorganization Act, which sets forth such an objective.

Another proposal of the Citizens Committee would strike from the bill the provision which permits the omission from the message of the President of reference to the probable reduction of expenditures to be brought about by the plan submitted. It was the view of the committee that in a great many instances, not only would the proposed defense reorganization plans not result in any economies, but that they would probably increase expenditures in connection with the defense mobilization program. In this period of emergency that calculated risk must be taken. Unless this exemption is included the President would be required to state repeatedly that no economies are anticipated and accordingly no estimates could be given. No useful purpose would seem to be served by this requirement.

The committee feels justified in assuming that any program initiated under the authority granted in this title will receive careful consideration on the part of the administering officials with a view to effecting economies wherever possible, consistent with defense objectives. The committee is of the opinion that the termination date provided herein will permit evaluation of plans submitted under this title with a view to determining any economies that may be effectuated in connection with programs directly or indirectly affected by such plans. It is the continuing responsibility and duty of this committee to bring about economies wherever possible in the operation of any Federal program. It is therefore incumbent on the committee to consider this feature in granting any extension of this title.

The bill, in effect, permits a review by the Congress of actions taken under title III of the Reorganization Act of 1949 before the expiration date on June 30, 1952. By inserting a termination date, identical with the terminating date provided in Public Law 921, Eighty-first Congress, reactivating title II of the War Powers Act, it will be necessary for the Congress to reexamine actions taken under the authority of both acts in order to determine whether their provisions have been carried out effectively and efficiently, and whether such authority should be renewed. In taking this action, however, it should be emphasized that the committee does not intend to speculate as to how long the emergency will last or for what period the powers granted under these acts may be required. The effect of the termination date is merely to permit the Congress to obtain reports relative to the operation of the provisions of the acts and the need for the continuation of the authority provided. Unless extended beyond such period, or upon the expiration of any further extension period approved by Congress, all reorganizations effectuated under the proposed new title III will revert to their former status, subject to any law or permanent reorganizations that may have been approved during the intervening period. The bill further provides that the Congress may terminate the authority granted at any time by the passage of a concurrent resolution, and provisions of the Reorganization Act of 1949 will automatically require a further review by Congress before the expiration of that act, which S. 101 amends, on April 1, 1953.

The bill provides all reorganization authority requested by the President, on the same basis as under title I of the First War Powers Act, except for the restrictions above outlined, and, in the opinion of the committee, provides him with sufficient authority to effectuate any reorganizations that may be necessary to the defense mobilization program, subject to congressional review. At the same time this action does not do violence to the provisions of the Reorganization Act of 1949, providing for permanent reorganizations in the Government.

It is the conviction of the committee that the existing emergency warrants immediate and effective action to permit necessary reorganizations required to more effectively administer the defense mobilization program, and it therefore recommends early consideration and favorable action on this proposed legislation.

A SECTION-BY-SECTION ANALYSIS OF THE BILL

In general, this bill, which adds a new title III to the Reorganization Act of 1949, authorizes the President to transmit to the Congress temporary reorganization plans. These reorganization plans would be along the lines of reorganization plans authorized by the present Reorganization Act of 1949 (Public Law 109, 81st Cong.), except for certain differences specified in the proposed title III. These differences are brought out in the following review of the various sections of the proposed title III.

Section 301

This section prescribes the purposes for which a reorganization plan may be submitted under the proposed title III, including those set forth in section 2 (a) of the Reorganization Act of 1949, and also includes—with adaptations appropriate to an emergency situation as contrasted with a state of war—the purposes covered by title I of the First War Powers Act, 1941.

Section 301 also requires that reorganization plans submitted under the proposed title III shall be governed by the provisions of titles I and II of the Reorganization Act of 1949 except as otherwise provided in the proposed title III.

Section 302

This section requires that each reorganization plan transmitted by the President to the Congress under title III shall be identified as being temporary, and so certified in the President's message of transmittal.

The section further prescribes that the period available to the Congress to reject a reorganization plan transmitted by the President under title III shall be 12 days in lieu of the 60-day period specified in section 6 of the Reorganization Act of 1949. The purpose of this provision is to meet the need for rapid action during the emergency period, under the same rules as provided in the Reorganization Act, which prevents delays beyond the period prescribed.

The section also limits the effective period of a reorganization plan under title III to the period ending with the termination of the title. The section recognizes that a reorganization plan may become inoperative at an earlier date by or pursuant to law.

Section 303

The Reorganization Act of 1949 now provides for specified forms of reorganization; namely, transfer, consolidation, coordination, delegation, and abolition. Section 303 would provide for two additional forms of reorganization.

Section 303 (a) (1) would permit the inclusion in a reorganization plan under title III of a reorganization which would extend any function of any agency to any other agency. While this is in some respects comparable to a transfer of function, it differs in that the agency having the function in the first place is not divested thereof but the function in question is, in effect, shared with one or more other agencies. While this was accomplished a number of times under title I of the First War Powers Act, 1941, it is not apparent that it could be done under the Reorganization Act of 1949 unless suitable provision be made therefor by law.

An example of a transaction of this nature may be found in connection with the duty-free entry of materials under the authority of 34 U. S. C. 568. That provision of law authorizes the Navy Department to bring in materials free of duty and without customs inspection. Such authority was extended as follows under the authority of title I of the First War Powers Act, 1941: To various agencies by Executive Order No. 9177; to the United States Maritime Commission by Executive Order No. 9495; to the Department of Commerce by Executive Order No. 9768; to the Atomic Energy Commission by Executive Order No. 9829 (still in effect). The ability to avoid customs inspection is probably the primary consideration, and the duty-free entry secondary.

A further example of the extension of a function from one agency to another may be found in Executive Order No. 9440 authorizing the Reconstruction Finance Corporation to place orders with other agencies for materials or services to be obtained by contract or otherwise.

Section 303 (a) (2) would permit the inclusion in a reorganization plan under title III of a reorganization consisting of the utilization of the facilities, services, or personnel of any agency. This form of reorganization would not appear to be covered by title I of the Reorganization Act of 1949. However, section 2 of the First War Powers Act, 1941, authorized the President "to utilize * * * any executive or administrative commissions, bureaus, agencies, governmental corporations, offices, or officers now existing by law." The intent of section 303 (a) (2) is the same as that of the quoted language.

It is believed desirable that the President have the authority to utilize facilities of the Government in connection with the defense effort and that, accordingly, provision along the lines of section 303 (a) (2) is necessary. Further, that this provision is important can be illustrated by reference to a case involving the Office of Temporary Controls which was decided by the Supreme Court. The Government's position was upheld partly on the ground that the President had utilized an officer of the Government (the Federal Works Administrator) and that such utilization was provided for in title I of the First War Powers Act, 1941.

Section 303 (b) would authorize the President to include in a reorganization plan under title III provisions for the appointment of an official without Senate confirmation. While it is expected that a number of officials conducting the defense program would be confirmed by the Senate—as is the Director of Defense Mobilization, Mr. Wilson—there may also be expected to be numerous other officials, particularly those of a lesser status, with respect to whom confirmation by the Senate would not seem necessary. In any event, the President was not limited in this respect during World War II, and numerous officials were provided for by the President, in whole or in part pursuant to title I of the First War Powers Act, 1941, without provision for confirmation by the Senate.

Section 3 of the Reorganization Act of 1949 requires, in substance, that the President include in the message transmitting any reorganization plan an estimate of the reduction of expenditures which it is probable will be brought about by the taking effect of the reorganization plan. Section 303 (c) of the proposed title III would make this requirement inapplicable to temporary reorganization plans made under title III. It is believed that it will not be feasible, in most

instances, to make an estimate of any value with respect to the reduction of expenditures to be brought about by reorganization plans under title III, since it is to be utilized in connection with an expanding defense program, and it is more likely that the expenditures would be on the rise instead of decreasing. It does not appear that any useful purpose is served by requiring the President either to attempt to make a rather unrealistic estimate or to make a declaration that the making of such an estimate is not feasible, in connection with the transmittal of each reorganization plan.

Section 303 (d) provides that no reorganization plan may be submitted under this title which would abolish or transfer the functions of any executive department or create any new executive department, or which would abolish, transfer, or consolidate the whole or any part of the civil functions of the Corps of Engineers.

Section 304

Consonant with the temporary character of title III, section 304 provides for the reversion to the prior status of the functions, agencies, and other matters affected by reorganization plan under title III upon the termination of such title. The section recognizes that an intervening change may have been made by or pursuant to law, and that any such change shall prevail upon the termination of title III.

Section 305

This section provides that title III will terminate on June 30, 1952, or on the termination of the national emergency proclaimed by the President, or on such other termination date as may be designated by concurrent resolution of the Congress or by the President. The Reorganization Act of 1949 terminates automatically on April 1, 1953, and this section will require the reexamination by the Congress before the extension of the powers granted herein.

Section 306

This section provides a short title for the proposed title III, namely, "Defense Reorganization Act of 1951."

CHANGES IN EXISTING LAW

In compliance with subsection (4) of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (new matter is printed in *italics*, existing law in which no change is proposed is shown in *roman*):

REORGANIZATION ACT OF 1949

TITLE I

SHORT TITLE

SECTION 1, This Act may be cited as the "Reorganization Act of 1949."

NEED FOR REORGANIZATIONS

SEC. 2. (a) The President shall examine and from time to time reexamine the organization of all agencies of the Government and shall determine what changes therein are necessary to accomplish the following purposes:

- (1) to promote the better execution of the laws, the more effective management of the executive branch of the Government and of its agencies and functions, and the expeditious administration of the public business;

- (2) to reduce expenditures and promote economy, to the fullest extent consistent with the efficient operation of the Government;
 - (3) to increase the efficiency of the operations of the Government to the fullest extent practicable;
 - (4) to group, coordinate, and consolidate agencies and functions of the Government, as nearly as may be, according to major purposes;
 - (5) to reduce the number of agencies by consolidating those having similar functions under a single head, and to abolish such agencies or functions thereof as may not be necessary for the efficient conduct of the Government; and
 - (6) to eliminate overlapping and duplication of effort.
- (b) The Congress declares that the public interest demands the carrying out of the purposes specified in subsection (a) and that such purposes may be accomplished in great measure by proceeding under the provisions of this Act, and can be accomplished more speedily thereby than by the enactment of specific legislation.

REORGANIZATION PLANS

SEC. 3. Whenever the President, after investigation, finds that—

- (1) the transfer of the whole or any part of any agency, or of the whole or any part of the functions thereof, to the jurisdiction and control of any other agency; or
 - (2) the abolition of all or any part of the functions of any agency; or
 - (3) the consolidation or coordination of the whole or any part of any agency, or of the whole or any part of the functions thereof, with the whole or any part of any other agency or the functions thereof; or
 - (4) the consolidation or coordination of any part of any agency or the functions thereof with any other part of the same agency or the functions thereof; or
 - (5) the authorization of any officer to delegate any of his functions; or
 - (6) the abolition of the whole or any part of any agency which agency or part does not have, or upon the taking effect of the reorganization plan will not have any functions,
- is necessary to accomplish one or more of the purposes of section 2 (a), he shall prepare a reorganization plan for the making of the reorganizations as to which he has made findings and which he includes in the plan, and transmit such plan (bearing an identifying number) to the Congress, together with a declaration that, with respect to each reorganization included in the plan, he has found that such reorganization is necessary to accomplish one or more of the purposes of section 2 (a). The delivery to both Houses shall be on the same day and shall be made to each House while it is in session. The President, in his message transmitting a reorganization plan, shall specify with respect to each abolition of a function included in the plan the statutory authority for the exercise of such function, and shall specify the reduction of expenditures (itemized so far as practicable) which it is probable will be brought about by the taking effect of the reorganizations included in the plan.

OTHER CONTENTS OF PLANS

SEC. 4. Any reorganization plan transmitted by the President under section 3—

- (1) shall change, in such cases as he deems necessary, the name of any agency affected by a reorganization, and the title of its head; and shall designate the name of any agency resulting from a reorganization and the title of its head;
- (2) may include provisions for the appointment and compensation of the head and one or more other officers of any agency (including an agency resulting from a consolidation or other type of reorganization) if the President finds, and in his message transmitting the plan declares, that by reason of a reorganization made by the plan such provisions are necessary. The head so provided for may be an individual or may be a commission or board with two or more members. In the case of any such appointment the term of office shall not be fixed at more than four years, the compensation shall not be at a rate in excess of that found by the President to prevail in respect of comparable officers in the executive branch, and, if the appointment is not under the classified civil service, it shall be by the President, by and with the advice and consent of the Senate, except that, in the case of any officer of the municipal government of the District of Columbia, it may be by the Board of

Commissioners or other body or officer of such government designated in the plan;

(3) shall make provision for the transfer or other disposition of the records, property, and personnel affected by any reorganization;

(4) shall make provision for the transfer of such unexpended balances of appropriations, and of other funds, available for use in connection with any function or agency affected by a reorganization, as he deems necessary by reason of the reorganization for use in connection with the functions affected by the reorganization, or for the use of the agency which shall have such functions after the reorganization plan is effective, but such unexpended balances so transferred shall be used only for the purposes for which such appropriation was originally made;

(5) shall make provision for terminating the affairs of any agency abolished.

LIMITATIONS ON POWERS WITH RESPECT TO REORGANIZATIONS

SEC. 5. (a) No reorganization plan shall provide for, and no reorganization under this Act shall have the effect of—

(1) abolishing or transferring an executive department or all the functions thereof or consolidating any two or more executive departments or all the functions thereof; or

(2) continuing any agency beyond the period authorized by law for its existence or beyond the time when it would have terminated if the reorganization had not been made; or

(3) continuing any function beyond the period authorized by law for its exercise, or beyond the time when it would have terminated if the reorganization had not been made; or

(4) authorizing any agency to exercise any function which is not expressly authorized by law at the time the plan is transmitted to the Congress; or

(5) increasing the term of any office beyond that provided by law for such office; or

(6) transferring to or consolidating with any other agency the municipal government of the District of Columbia or all those functions thereof which are subject to this Act, or abolishing said government or all said functions.

(b) No provision contained in a reorganization plan shall take effect unless the plan is transmitted to the Congress before April 1, 1953.

TAKING EFFECT OF REORGANIZATIONS

SEC. 6. (a) Except as may be otherwise provided pursuant to subsection (c) of this section, the provisions of the reorganization plan shall take effect upon the expiration of the first period of sixty calendar days, of continuous session of the Congress, following the date on which the plan is transmitted to it; but only if, between the date of transmittal and the expiration of such sixty-day period there has not been passed by either of the two Houses, by the affirmative vote of a majority of the authorized membership of that House, a resolution stating in substance that that House does not favor the reorganization plan.

(b) For the purposes of subsection (a)—

(1) continuity of session shall be considered as broken only by an adjournment of the Congress sine die; but

(2) in the computation of the sixty-day period there shall be excluded the days on which either House is not in session because of an adjournment of more than three days to a day certain.

(c) Any provision of the plan may, under the provisions contained in the plan, be made operative at a time later than the date on which the plan shall otherwise take effect.

DEFINITION OF "AGENCY"

SEC. 7. When used in this Act, the term "agency" means any executive department, commission, council, independent establishment, Government corporation, board, bureau, division, service, office, officer, authority, administration, or other establishment, in the executive branch of the Government, and means also any and all parts of the municipal government of the District of Columbia except the courts thereof. Such term does not include the Comptroller General of the United States or the General Accounting Office, which are a part of the legislative branch of the Government.

MATTERS DEEMED TO BE REORGANIZATIONS

SEC. 8. For the purposes of this Act the term "reorganization" means any transfer, consolidation, coordination, authorization, or abolition, referred to in section 3.

SAVING PROVISIONS

SEC. 9. (a) (1) Any statute enacted, and any regulation or other action made, prescribed, issued, granted, or performed in respect of or by any agency or function affected by a reorganization under the provisions of this Act, before the effective date of such reorganization, shall, except to the extent rescinded, modified, superseded, or made inapplicable by or under authority of law or by the abolition of a function, have the same effect as if such reorganization had not been made; but where any such statute, regulation, or other action has vested the function in the agency from which it is removed under the plan, such function shall, insofar as it is to be exercised after the plan becomes effective, be considered as vested in the agency under which the function is placed by the plan.

(2) As used in paragraph (1) of this subsection the term "regulation or other action" means any regulation, rule, order, policy, determination, directive, authorization, permit, privilege, requirement, designation, or other action.

(b) No suit, action, or other proceeding lawfully commenced by or against the head of any agency or other officer of the United States, in his official capacity or in relation to the discharge of his official duties, shall abate by reason of the taking effect of any reorganization plan under the provisions of this Act, but the court may, on motion or supplemental petition filed at any time within twelve months after such reorganization plan takes effect, showing a necessity for a survival of such suit, action, or other proceeding to obtain a settlement of the questions involved, allow the same to be maintained by or against the successor of such head or officer under the reorganization effected by such plan or, if there be no such successor, against such agency or officer as the President shall designate.

UNEXPENDED APPROPRIATIONS

SEC. 10. The appropriations or portions of appropriations unexpended by reason of the operation of this Act shall not be used for any purpose, but shall be impounded and returned to the Treasury.

PRINTING OF REORGANIZATION PLANS

SEC. 11. Each reorganization plan which shall take effect shall be printed in the Statutes at Large in the same volume as the public laws, and shall be printed in the Federal Register.

TITLE II

SEC. 201. The following sections of this title are enacted by the Congress:

(a) As an exercise of the rule-making power of the Senate and the House of Representatives, respectively, and as such they shall be considered as part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in such House in the case of resolutions (as defined in section 202); and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(b) With full recognition of the constitutional right of either House to change such rules (so far as relating to the procedure in such House) at any time, in the same manner and to the same extent as in the case of any other rule of such House.

SEC. 202. As used in this title, the term "resolution" means only a resolution of either of the two Houses of Congress, the matter after the resolving clause of which is as follows: "That the _____ does not favor the reorganization plan numbered _____ transmitted to Congress by the President on _____, 19—." the first blank space therein being filled with the name of the resolving House and the other blank spaces therein being appropriately filled; and does not include a resolution which specifies more than one reorganization plan.

SEC. 203. A resolution with respect to a reorganization plan shall be referred to a committee (and all resolutions with respect to the same plan shall be referred to the same committee) by the President of the Senate or the Speaker of the House of Representatives, as the case may be.

SEC. 204. (a) If the committee to which has been referred a resolution with respect to a reorganization plan has not reported it before the expiration of ten

calendar days after its introduction, it shall then (but not before) be in order to move either to discharge the committee from further consideration of such resolution, or to discharge the committee from further consideration of any other resolution with respect to such reorganization plan which has been referred to the committee.

(b) Such motion may be made only by a person favoring the resolution, shall be highly privileged (except that it may not be made after the committee has reported a resolution with respect to the same reorganization plan), and debate thereon shall be limited to not to exceed one hour, to be equally divided between those favoring and those opposing the resolution. No amendment to such motion shall be in order, and it shall not be in order to move to reconsider the vote by which such motion is agreed to or disagreed to.

(c) If the motion to discharge is agreed to or disagreed to, such motion may not be renewed, nor may another motion to discharge the committee be made with respect to any other resolution with respect to the same reorganization plan.

SEC. 205. (a) When the committee has reported, or has been discharged from further consideration of, a resolution with respect to a reorganization plan, it shall at any time thereafter be in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of such resolution. Such motion shall be highly privileged and shall not be debatable. No amendment to such motion shall be in order and it shall not be in order to move to reconsider the vote by which such motion is agreed to or disagreed to.

(b) Debate on the resolution shall be limited to not to exceed ten hours, which shall be equally divided between those favoring and those opposing the resolution. A motion further to limit debate shall not be debatable. No amendment to, or motion to recommit, the resolution shall be in order, and it shall not be in order to move to reconsider the vote by which the resolution is agreed to or disagreed to.

SEC. 206. (a) All motions to postpone, made with respect to the discharge from committee, or the consideration of, a resolution with respect to a reorganization plan, and all motions to proceed to the consideration of other business, shall be decided without debate.

(b) All appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution with respect to a reorganization plan shall be decided without debate.

Approved June 20, 1949.

TITLE III

SEC. 301. During the time that this title is in force, and for any of the following purposes, but only in matters related to the national security or defense, namely, any of the purposes set forth in section 2 (a) hereof; the promotion of the national security or defense; the support and maintenance of the Armed Forces; the better utilization of resources and industries; the more effective exercise and the more efficient administration by the President of his functions as Chief Executive and as Commander in Chief of the Armed Forces; or the better coordination of agencies and their functions; the President is hereby authorized to transmit to the Congress, under this title, reorganization plans which shall, except as provided in this title, be governed by the provisions of titles I and II of this Act.

SEC. 302. Each reorganization plan transmitted to the Congress under this title shall—

(a) be certified by the President in his message of transmittal to the Congress as submitted under this title;

(b) be identified as being temporary;

(c) become effective in accordance with the provisions of section 6 hereof, except that a period of twelve days prior to taking effect shall obtain in lieu of the sixty days specified in the said section 6; and

(d) remain in force only until the termination of this title or until otherwise made inapplicable by or pursuant to law.

SEC. 303. (a) In addition to the matters specified in titles I and II hereof, any reorganization plan under this title may provide for either or both of the following, which shall for the purposes of this title be deemed to be reorganizations:

(1) The extension of any function of any agency to any other agency; and

(2) The utilization of the facilities, services, or personnel of any agency.

(b) The President may include in any reorganization plan transmitted under this title provisions for the appointment of officers and other personnel in such manner as the President shall specify.

(c) There may be omitted from the message of the President transmitting any reorganization plan under this title reference to the probable reduction of expenditures to be brought about by the plan (provided in section 3 of this Act).

(d) No reorganization plan under this title shall provide for, and no reorganization under this title shall have the effect of—

(1) abolishing or transferring an executive department or all the functions thereof or establishing any new executive department; or

(2) changing the name of any executive department or the title of its head, or designating any agency as "Department" or its head as "Secretary", or

(3) abolishing, transferring, or consolidating the whole or any part of the civil functions of the Corps of Engineers of the United States Army.

SEC. 304. Upon the termination of this title, all functions, agencies, property, personnel, records, and funds affected by any reorganization plan then in force under the provisions of this title shall have such organizational status as may heretofore or hereafter be provided by law or by reorganization plan under titles I and II hereof.

SEC. 305. This title shall terminate on June 30, 1952, or on the termination of the national emergency proclaimed by the President on December 16, 1950, or on a termination date designated by concurrent resolution of the Congress or by the President, whichever date is the earliest.

SEC. 306. This title may be cited as the "Defense Reorganization Act of 1951".

